

Appl. No. 10/728,321
Response dated 04/12/06
Reply to Office Action of 03/09/06

REMARKS

Claims 1 – 21 have been rejected under 35 USC §103(a) as being unpatentable over Davis et al. (U.S. Patent No. 6,607,834). The Examiner argues that Davis et al. disclose a multilayer biaxially oriented composite which may include a pigment or dye as an additive and which may include coatings. The Examiner then argues that the phrase, “oriented thermoplastic composite for use as a register or receipt tape” in the preambles of the present independent claims is an intended use and that if a prior art structure is capable of performing the intended use, then it meets the claim. The Examiner concludes “[B]ecause Davis has a multilayer biaxially oriented composite with equivalent materials as the claimed invention, it would have been obvious to one of ordinary skill in the art to include the optimum secant modulus of the composite.” However, Applicant respectfully submits that Davis et al. do not disclose a multilayer biaxially oriented composite with equivalent materials as the claimed invention and even if equivalent materials were disclosed, that disclosure would in no way lead one of ordinary skill in the art to arrive at the optimum secant modulus of the present composite for the present intended use.

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Specifically, present independent claim 1 is directed to a film which has at least two layers, a core layer and at least one outer layer. The at least one outer layer includes a non-migratory anti-static additive. The outer surface of the film, which is opposite the anti-static-containing outer layer, has a heat sensitive, thermal image coating. Independent claim 12 is directed to a film which has at least one core layer. An anti-static coating is present on one outer film surface and a heat sensitive, thermal image coating is present on the opposite outer film surface. The Examiner argues that Davis et al. disclose coatings applied to both sides of a multilayer composite. However, Davis et al. refers to the technique of "interdraw coating," more commonly referred to as extrusion coating (see Rice, et al., U.S. Patent No. 5,156,904, incorporated by reference in Davis et al.), which produces an actual composite layer. One of ordinary skill in the art would recognize that the present claimed coatings differ significantly from the "coatings" of Davis et al. Regardless of this difference, Davis et al. do not disclose an anti-static coating, do not disclose a thermal image coating and, most importantly, do not suggest the importance of having a printable surface opposite a surface which has anti-static properties. Thus, it is submitted that the reference does not disclose a composite of "equivalent materials" to those of the claimed invention as argued by the Examiner.

Further, even if one assumes for the sake of argument that such "equivalent materials" are in some way suggested by Davis et al., the reference clearly fails to suggest the present claimed 1% secant modulus in the machine direction of at least about 150,000 psi, which limitation is crucial to the present invention. Although "use as a register or receipt tape" is merely the intended use of the present claimed composite, the

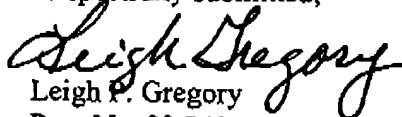
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physical requirements of a packaging film, which is the intended use of the Davis et al. composite (see, Col. 2, line 64 – Col. 3, line 1), differ significantly from those of a cash register receipt. It is only through the benefit of hindsight gained by a review of the present specification that one might piece together the elements of the present claims, particularly the 1% secant modulus limitation. Thus, it is requested that the Examiner reconsider and withdraw the present rejection.

Accordingly, it is submitted that the present case is in condition for allowance and such action is respectfully requested.

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Respectfully submitted,


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